

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1428 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- SARSI District- Purnia

Atal Kumar S/o- Bhagwat Sah R/o- Madhura Tola Kachahri Balua, Ps- Sarsi
Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Shakuntala Marandi @ Puja Hansda wife of Anuplal Marandi R/o- Madhura
Tola Kachahri Balua Ps- Sarsi Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md Fazle Karim, Advocate
For the Informant/s	:	Mr. Mr. Shashank Shekhar Sinha, Adv.
For the State	:	Mr. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-08-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. The instant appeal has been filed by the appellant
against the order dated 9.2.2024 passed by learned Special
Judge SC/ST Act, Purnea whereby the prayer for bail of the
appellant in connection with Sarsi P.S. Case no. 154 of 2023
under Sections 341, 323, 324, 325, 307, 354(B), 509, 504/34 of
the Indian Penal Code and sections 3(1)(r)(s), 3(2)(va) of SC/ST
Act was rejected.

3. It is alleged by the informant that while she was
going to attend nature's call at night, in the meantime, the



appellant along with co-accused Akash Kumar caught and tried to commit some wrong with her. When, the informant opposed the same, the accused persons assaulted and abused her by taking caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. During course of investigation, it has not been found any commission of rape and charge-sheet has also not been submitted u/s 376 of the I.P.C. The injury report as mentioned in the case diary shows that the injury sustained by victim is simple in nature caused by hard and blunt substance. It is further submitted that the informant/victim has not specifically deposed in her statement recorded u/s 164 of the Cr.P.C. regarding commission of rape. Moreover, similarly situated co-accused Akash Kumar Sah has already been enlarged on bail by this court vide order dated 4.1.2024 passed in Cr. Misc. No. 4623 of 2023. The appellant has got no criminal antecedent and he is languishing in judicial custody since 13.9.2023.

5. The appeal for bail is opposed by learned Spl. P.P.



for the State and learned counsel for the informant and submitted that the appellant is named in the FIR who is alleged to have tried to ravish the informant/victim.

6. Having heard learned counsel for the parties and taking into consideration of the facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 9.2.2023 passed in Sarsi P.S. Case No. 154 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sarsi P.S. Case No. 154 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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